



410 West Harrison Street, P.O. Box 9863 (206) 344-7330
Seattle, Washington 98109

January 12, 1979

Mr. Lee B. Beckham, Assistant Plant Manager
Lone Star Industries, Inc.
3801 East Marginal Way South
Seattle, WA 98134

Dear Mr. Beckham:

Delayed Compliance Order No. 78-212-1,
Lone Star Industries, Inc., Seattle

This will confirm your receipt on Thursday, 1/11/79, of a signed copy of the Delayed Compliance Order No. 78-212-1, which was approved by the Agency Board of Directors, after Public Hearing, on Thursday, January 11, 1979.

Signed copies are being submitted to EPA and DOE for determination whether or not this Order is in accordance with the requirements of the Federal Clean Air Act Amendments dated 8/7/77.

We very much appreciate the cooperation and assistance by Lone Star Industries, Inc., in developing this Order.

Very truly yours,

A. R. Dammkoehler
Air Pollution Control Officer

jk

cc: Mr. W. R. McClinton, Plant Manager
Lone Star Industries, Inc.
3801 East Marginal Way South
Seattle, WA 98134

SERVING:

KING COUNTY
410 West Harrison St.
P.O. Box 9863
Seattle, 98109
(206) 344-7330

KITSAP COUNTY
Dist. Operator for Toll
Free Number Zenith 8385
Bainbridge Island, 98110
Dist. 344-7330

PIERCE COUNTY
213 Hess Building
Tacoma, 98402
(206) 383-5851

SNOHOMISH COUNTY
(206) 259-0288

Mr. Ralph Mitchell
Lone Star Industries, Inc.
2800 Campus Drive
San Mateo, CA 94403

Mr. Jack Young
Lone Star Industries, Inc.
901 Fairview Avenue North
Seattle, WA 98109

AGCS2M003373

BOARD OF DIRECTORS

CHAIRMAN: Gene Lobe, Commissioner Kitsap County;
James B. Haines, Commissioner Snohomish County;
Harvey S. Poll, Member at Large;

Glenn K. Jarstad, Mayor Bremerton;
Charles Royer, Mayor Seattle;

William E. Moore, Mayor Everett;
John D. Spellman, King County Executive;

VICE CHAIRMAN: Patrick J. Gallagher, Commissioner Pierce County;
Mike Parker, Mayor Tacoma;
A. R. Dammkoehler, Air Pollution Control Officer.



410 West Harrison Street, P.O. Box 9863 (206) 344-7330
Seattle, Washington 98109

February 9, 1979

Mr. Lee B. Beckham
Assistant Plant Manager
Lone Star Industries, Inc.
3801 E. Marginal Way, S.
Seattle, Washington 98134

Dear Mr. Beckham:

Board Resolution Granting Variance

Enclosed is a copy of Resolution #440, granting a variance from Section 9.15 of Regulation I, for clinker storage shed emissions at 3801 East Marginal Way S., Seattle, Washington.

Very truly yours,

A. R. Dammkoehler
Air Pollution Control Officer

mk

Enclosure

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VICE CHAIRMAN: Patrick J. Gallagher, Commissioner Pierce County;
Mike Parker, Mayor Tacoma;
A. R. Dammkoehler, Air Pollution Control Officer,

AGCS2M003374

RESOLUTION NO. 440

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PUGET SOUND AIR POLLUTION CONTROL
AGENCY GRANTING UNTO LONE STAR INDUSTRIES,
INC. A VARIANCE FROM SECTION 9.15 OF
REGULATION I FOR A CLINKER STORAGE SHED
AT SEATTLE, WASHINGTON

WHEREAS, Lone Star Industries, Inc. is the owner and operator of a plant at Seattle, Washington and in such operation utilizes a Clinker Storage shed; and

WHEREAS, Lone Star Industries, Inc. has requested a variance from Section 9.15 of Regulation I until July 1, 1979; and

WHEREAS, the staff of the Agency has reviewed the variance application and submitted a report dated January 4, 1979 recommending granting of the variance from Section 9.15 of Regulation I; and

WHEREAS, the Board, after consideration of the variance application and review of the presentation of the applicant and of the staff and having considered said recommendation and the relative interests of the applicants and the general public, does hereby make the following:

FINDINGS OF FACT

I

That the emissions to occur from the Clinker Storage shed at the Lone Star Industries, Inc. plant in Seattle, Washington, in accordance with the conditions set forth herein, would not endanger the public health or safety.

II

Compliance with Section 9.15 of Regulation I of Lone Star Industries, Inc. at their plant in Seattle, Washington during the variance period, would produce serious hardship without equal or greater benefit to the public; and

WHEREAS, the Board having considered the application and having made the above Findings, does hereby further find that the granting of same would be in the best interests of the inhabitants of King, Pierce, Snohomish and Kitsap Counties; Now, Therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY:

Section 1: The application of Lone Star Industries, Inc. for a variance from Section 9.15 of Regulation I at their plant in Seattle, Washington until July 1, 1979 for emissions from the Clinker Storage shed, be and the same, is hereby granted upon the following terms and conditions:

1. That the Lone Star Industries, Inc., will comply with Puget Sound Air Pollution Control Agency Regulation I, Section 9.15 in accordance with the following schedule on or before the date specified therein:
 - a. Expansion and enclosure of the Clinker Storage Building:

(1) Submit Notice of Construction	12/29/78
(2) Procurement (Bids)	2/28/79
(3) Start Construction	3/01/79
(4) Complete Construction	6/25/79
(5) Source in Compliance	7/01/79
 - b. Quarterly Progress Reports

<u>Due Date</u>	<u>Quarter Ending</u>
(1) 4/16/79	3/31/79
(2) 6/30/79	6/30/79
2. That Lone Star Industries, Inc. shall comply with the following interim requirements:
 - a. That Lone Star Industries, Inc. shall take all precautions to minimize the emissions of clinker dust particulate matter from the subject's storage facility to the maximum degree practicable.
 - b. That Lone Star Industries, Inc. shall handle the clinker as carefully as possible during transfer of the material in the storage area to minimize clinker dust entrainment as much as practicable.
 - c. That Lone Star Industries, Inc. shall hold outside storage to a minimum.

These requirements are determined to be the best reasonable and practicable interim system of the emission control and necessary to assure compliance with the Puget Sound Air Pollution Control Agency Regulation I Section 9.15 insofar as the Lone Star Industries, Inc. is able to comply during the period this resolution is in effect.

3. That Lone Star Industries, Inc. is not relieved by this resolution from any requirements imposed by the Washington State Implementation Plan and/or the courts pursuant to RCW 70.94.710 and RCW 70.94.715 during any period of imminent and substantial endangerment to the health of persons.

4. That Lone Star Industries, Inc. shall comply with the following reporting requirements specified below:

a. Monitoring. No additional monitoring or record keeping shall be required as part of this resolution.

b. Reporting Requirements

(1) No later than five (5) days after any date for achievement of an incremental or final compliance, specified in Section 1 of this resolution, Lone Star Industries, Inc. shall notify the Agency in writing of its compliance or noncompliance (state reasons for noncompliance) with such requirement. If delay is anticipated in meeting any requirement of this resolution, Lone Star Industries, Inc. shall immediately notify the Agency in writing of the anticipated delay and reason therefore. Notification to the Agency of any anticipated delay does not preclude the Agency from taking enforcement action.

(2) All submittals and reports pursuant to this resolution shall be made to:

A. R. Dammkoehler
Air Pollution Control Officer
Puget Sound Air Pollution
Control Agency
410 West Harrison
P.O. Box 9863
Seattle, Washington 98109

Phone: (206) 344-7330

5. That nothing in this resolution is to be construed in any way as to prevent enforcement and/or abatement action for any violation of any applicable law, rule or regulation of any other governmental agency.

6. That Lone Star Industries, Inc. is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a non-compliance penalty under Section 120 of the Clean Air Act. In the event of such failure, Lone Star Industries, Inc. will be formally notified by the U.S. Environmental Protection Agency or its delegate of its noncompliance pursuant to Section 120(b)(3) of the Act and to any applicable regulation promulgated thereunder.

7. That this resolution shall be terminated by the Board of Directors if it is determined on the record, after notice and hearing, that an inability

to comply with PSAPCA Regulation I, Section 9.15
no longer exists.

8. That failure to comply with any condition and/or complete any specific action by its related date without prior written approval of the Agency, shall subject Lone Star Industries, Inc. to appropriate penalties and/or legal remedies as provided in RCW 70.94, for any violation of Regulation I; provided further that this resolution does not prevent the Agency, during the term of this resolution, from issuing to Lone Star Industries, Inc. Notices of Violation of any violation of Regulation I.

PASSED AND APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held this 11th day of January, 1979.

PUGET SOUND AIR POLLUTION CONTROL AGENCY

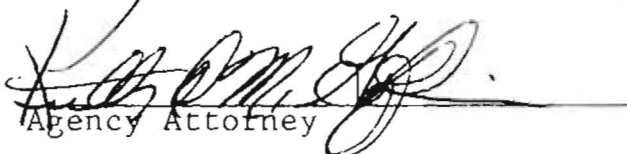
By


Chairman

Attest:


Air Pollution Control Officer

Approved as to Form:


Agency Attorney

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Air Pollution Control Officer
Puget Sound Air Pollution
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410 West Harrison Street
P. O. Box 9863
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Area Code: (206) 344-7330

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7. That this Order shall be terminated by the Board of Directors if it is determined on the record, after notice and hearing, that an inability to comply with PSAPCA Regulation I, Section 9.15 no longer exists.

8. That failure to comply with any condition and/or complete any specific action by its related date without prior written approval of the Agency, shall subject Lone Star Industries, Inc., to appropriate penalties and/or legal remedies as provided in RCW 70.94, for any violation of Regulation I; provided further that this Order does not prevent the Agency, during the term of the Order, from issuing to Lone Star Industries, Inc., Notice of Violation of any violation of Regulation I.

9. That this Order is issued by the PSAPCA Board of Directors effective January 11, 1979, pursuant to Puget Sound Air Pollution Control Agency Regulation I, Section 3.11 and RCW 70.94.141; .155 and .221, which are part of the Washington State Implementation Plan.

PASSED AND APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held this 11th day of January 11, 1979.

PUGET SOUND AIR POLLUTION CONTROL AGENCY

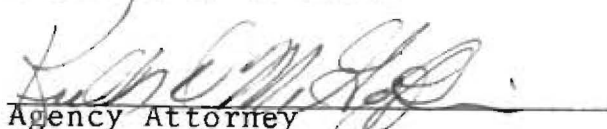
By


Chairman

Attest:


Air Pollution Control Officer

Approved as to Form:


Agency Attorney

IN THE MATTER OF:

LONE STAR INDUSTRIES, INC.
SEATTLE, WASHINGTON

(Variance Application No. 212)

DELAYED COMPLIANCE ORDER
NO. 78-212-1

WHEREAS, the Congress of the United States amended Section 113 (d) of the Federal Clean Air Act by 42 U.S.C. 7401, etc., to procure the attainment of emission standards by noncomplying sources in the United States and the procedure outlined is for the local air pollution agencies to prepare a "Delayed Compliance Order" which would be reviewed and approved by the Department of Ecology and the Environmental Protection Agency, and

WHEREAS, Lone Star Industries, Inc., Seattle, Washington, operates a clinker storage facility that is presently in noncompliance with the emission standards and this Order is being issued pursuant to Section 113 (d) of the Clean Air Act and RCW 70.94.141; .155; and .221 and Regulation I of the Puget Sound Air Pollution Control Agency, and

WHEREAS, this Order, pursuant to the Federal Clean Air Act and state law, contains a schedule for compliance, interim requirements and reporting requirements, and

WHEREAS, Puget Sound Air Pollution Control Agency has issued public notice of this Order and of a public hearing before the Board of Directors of the Agency to consider the Order, pursuant to Section 113 (d) of the Federal Clean Air Act and the requirements of the Washington State Implementation Plan (WSIP), and

WHEREAS, the Board has considered the entire record and the statements made for and against the Compliance Order and the Board being fully advised in the premises; makes the following:

FINDINGS

I

On May 16, 1978, the U. S. Environmental Protection Agency issued a Notice of Violation pursuant to Section 113 (a)(1) of the Clean Air Act, to Lone Star Industries, Inc., upon the finding that the clinker storage facility is in violation of Section 9.15 of Regulation I of the Puget Sound Air Pollution Control Agency, a part of the applicable WSIP, as defined in Section 110 (d) of the Act.

II

The observations of violations of Section 9.15 of Regulation I were made by air pollution inspectors employed by the Puget Sound Air Pollution Control Agency and said observations are of record and on file in the office of the Puget Sound Air Pollution Control Agency.

BASED UPON THE ABOVE FINDINGS, THE BOARD DOES HEREBY ENTER THE FOLLOWING:

O R D E R

It is hereby determined that the schedule for compliance is as expeditious as practicable and that the terms of this Order are in compliance with Section 113 (d) of the Act and are in furtherance of the public health, safety and welfare of the inhabitants of the Puget Sound area. Therefore, it is hereby ordered:

1. That the Lone Star Industries, Inc., will comply with Puget Sound Air Pollution Control Agency Regulation I, Section 9.15

in accordance with the following schedule on or before the date specified therein:

a. Expansion and enclosure of the Clinker Storage Building

- | | |
|-----------------------------------|----------|
| (1) Submit Notice of Construction | 12/29/78 |
| (2) Procurement (Bids) | 2/28/79 |
| (3) Start Construction | 3/ 1/79 |
| (4) Complete Construction | 6/25/79 |
| (5) Source in Compliance | 7/ 1/79 |

b. Quarterly Progress Reports

- | | <u>Due Date</u> | <u>Quarter Ending</u> |
|-----|-----------------|-----------------------|
| (1) | 4/16/79 | 3/31/79 |
| (2) | 6/30/79 | 6/30/79 |

2. That Lone Star Industries, Inc., shall comply with the following interim requirements:

- a. That Lone Star Industries, Inc., shall take all precautions to minimize the emissions of clinker dust particulate matter from the subject's storage facility to the maximum degree practicable.
- b. That Lone Star Industries, Inc., shall handle the clinker as carefully as possible during transfer of the material in the storage area to minimize clinker dust entrainment as much as practicable.
- c. That Lone Star Industries, Inc., shall hold outside storage to a minimum.

These requirements are determined to be the best reasonable and practicable interim system of the emission control and necessary to assure compliance with the Puget Sound Air Pollution Control Agency Regulation I. Section 9.15 insofar as the Lone Star Industries, Inc., is able to comply during the period this order is in effect.

3. That Lone Star Industries, Inc., is not relieved by this Order from any requirements imposed by the Washington State Implementation Plan and/or the courts pursuant to RCW 70.94.710 and RCW 70.94.715, during any period of imminent and substantial endangerment to the health of persons.

4. That Lone Star Industries, Inc., shall comply with the following reporting requirements specified below:

a. Monitoring

- (1) No additional monitoring or record keeping shall be required as a part of this Order.

b. Reporting Requirements

- (1) No later than five (5) days after any date for achievement of an incremental or final compliance, specified in Section 1 of this Compliance Order, Lone Star Industries, Inc., shall notify the Agency in writing of its compliance or non-compliance (state reasons for noncompliance)

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SEATTLE, WASHINGTON)

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Air Pollution Control Officer
Puget Sound Air Pollution
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410 West Harrison Street
P. O. Box 9863
Seattle, WA 98109

Area Code: (206) 344-7330

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7. That this Order shall be terminated by the Board of Directors if it is determined on the record, after notice and hearing, that an inability to comply with PSAPCA Regulation I, Section 9.15 no longer exists.

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PASSED AND APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held this 11th day of January, 1979.

PUGET SOUND AIR POLLUTION CONTROL AGENCY

By


Chairman

Attest:


Air Pollution Control Officer

Approved as to Form:


Agency Attorney

AGCS2M003384




One Greenwich Plaza, Greenwich, Connecticut 06830

Originating Office: Seattle

Date: August 22, 1978

TO: R. G. McAlister

FROM: J. Young, Jr. 

SUBJECT: Violations of Clean Air Act - Seattle Cement Plant

The attached copy of my letter to Region X of EPA will confirm the arrangements made today for an informal meeting to be held on August 31 to discuss our plans for eventual compliance to the Clean Air Act at the Seattle cement plant's clinker shed. It is proposed that the following people be in attendance:

Ken Brooks - EPA, Washington Air Coordinator
Ron Busby - PSAPCA, Enforcement Director
Representative - Dept. of Ecology, State of Washington
L. Beckham - LSI, Ass't. Plant Manager
R. Mitchell - LSI, Reg. Environmentalist
J. Young - LSI, Division Manager

The conference will afford us the opportunity to further investigate our legal position relative to the citation and also to discuss the efforts taken and the problems involved in trying to achieve compliance.

Ken Brooks said today that his office will act as a rubber stamp to PSAPCA's request for our "achieving compliance to their (PSAPCA) satisfaction". In short, Bob, the meeting, according to Mr. Brooks, will be for purpose of discussing the violations at the clinker shed, the problems involved in correcting the dust emissions, the efforts already taken to achieve compliance and, finally, the steps we propose to take to achieve compliance.

As I see it, our track record for always being willing to cooperate with local enforcement agencies to achieve compliance with environmental requirements does indeed now generate credibility for any request we may make for establishment of a reasonable compliance date. We can accomplish this, I think, provided that it is our true intention to correct the clinker shed emission problem "to the satisfaction of PSAPCA"; and I will assume, therefore, that our discussions at the forthcoming meeting can be based on this intent to comply with the Act.

8/22/78

Basically, I shall tell them that we have prepared drawings for the shed enclosure and submitted same for bids. Due to the pace of the construction market, contractors are not prepared to offer bids promptly. Until we do obtain bids, however, we cannot request approval of any expenditure from our Board and, therefore, at this time cannot promise compliance on any date. We will do our best to expedite action and will let them know.

I feel that EPA will probably not be satisfied with this explanation; but, unless you or Johnny can give me additional commitments to make to them, I know of no other approach at this time. Unless I hear from you to the contrary, Bob, we'll proceed as above.

JY:kh
Enclosure

cc: Ralph Mitchell-w/encl
McClinton/Beckham-w/encl. ✓

AGCS2M003386

August 22, 1978

CERTIFIED MAIL

Mr. Lloyd A. Reed, Director,
Enforcement Division
U. S. Environmental Protective Agency
1200 Sixth Avenue
Seattle, Washington 98101

Re: EPA File #X78-07-07-113

Dear Sir:

In accordance with my telephone communication today with Mr. Ken Brooks, Washington Air Coordinator for Region X, we have arranged for a meeting which is to take place at Region X headquarters at 10:00 a.m. August 31, 1978.

It is our intention to discuss at this informal meeting the problems involved concerning corrections for any fugitive dust emissions from our clinker shed operations at our Seattle cement plant.

Sincerely yours,

LONE STAR INDUSTRIES, INC.

John Young, Jr.
Division Manager

JY:kh

cc: Ken Brooks - EPA
Arthur Dammkoehler

bcc: R. McAlister
R. Mitchell
W. McClinton/L. Beckham ✓

AGCS2M003387